

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**

MELISSA COURY, Personal Representative  
of the Estate of Raymond Coury,

Plaintiff,

v.

AIR & LIQUID SYSTEMS  
CORPORATION, et al.,

Defendants.

Case No. 3:20-cv-00264-JR

**ORDER ADOPTING FINDINGS &  
RECOMMENDATION TO GRANT  
MOTION TO REMAND**

**IMMERGUT, District Judge.**

United States Magistrate Judge Jolie A. Russo issued her Findings & Recommendation (“F&R”) in this case on May 22, 2020. ECF 19. Defendant Foster Wheeler LLC filed Objections to the F&R, ECF 25, to which Plaintiff responded, ECF 26.

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.” *Id.* But the court is not required to review, de

novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

This Court has reviewed de novo the portions of Judge Russo’s F&R to which Defendant objected. This Court agrees with Judge Russo that Plaintiff’s discovery requests do not alter her waiver of any claims arising out of Mr. Coury’s purported exposure to naval asbestos. This Court further agrees that Plaintiff’s waiver negates any causal nexus between Plaintiff’s claim and the actions Defendant Foster Wheeler LLC took pursuant to a federal officer’s direction.

Accordingly, Judge Russo’s F&R, ECF 19, is adopted in full. This Court GRANTS Plaintiff’s motion to remand. ECF 7. This case is REMANDED to the Circuit Court of the State of Oregon for the County of Multnomah.

**IT IS SO ORDERED.**

DATED this 19th day of June, 2020.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge